IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Case 9507

In the Application of	:
Franz, et al.	:
Serial No. 10/771,781	: Group Art Unit : 1713
Confirmation No. 5159	:
Filed February 4, 2004	: Examiner : O.L. Davis
	:

For A METHOD OF DETERMINING A MODULUS OF ELASITICITY OF A MOVING WEB MATERIAL

DECLARATION UNDER 37 CFR §1.132

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

I, Michael Joseph Franz, declare as follows:

That, I received a Bachelor of Science degree in Electrical Engineering with a specialty in Automatic Controls from the University of Cincinnati in 1975;

That, from 1975 to 1988 and from 1990 to present, I have been an employee of The Procter & Gamble Company in Product Supply;

That, my present title is Technical Section Head for The Procter & Gamble Company Family Care Division;

That, I am familiar with the subject matter of the above-identified Application and with the determination of web characteristics;

That, I am familiar with the subject matter in U.S. Patent No. 6,845,282 (Franz);

That, Franz discloses in U.S. Patent No. 6,845,282 (the '282 reference) that the method of controlling a tension in a web requires **one** measurement of the span length for the web material being controlled and **one** measurement of the web speed (velocity) in that span. From these two measurements, the integral gain of the controller is

determined. The calculated integral gain is then used to control the specific speed of the unwind motor in order to provide the desired tension.

The single velocity measurement of the '282 reference represents the nominal velocity of the web material. This measurement is needed to determine a controller integral gain value. The tension of the web material in the span is determined by the speed difference between the upstream and the downstream roll. The integral gain and the velocity determinations for the required calculations are detailed at column 4, line 38 to column 5, line 2 of the '282 reference.

Contrastingly, the instant Application claims a method of determining a physical property (i.e., modulus of elasticity) of a moving web. This requires two measurements of web speed (i.e., velocities) at specific points of the web handling process where web tension is measured. The web velocity measurements are then used to solve two equations having two unknowns. The solution of these equations (described on page 6, lines 10-25 of the instant Application) then determines the physical property (i.e., modulus of elasticity) and the nominal flow rate of the web material.

In short, the '282 reference seeks to manipulate web speed in order to control the tension of the web. The subject matter of the instant Application determines a property of the web material. The '282 reference is silent with respect to requiring two spans, two (first and second) web tension analog values, and two web-velocity analog values.

Further, Declarant sayeth not.

This declaration is made with the knowledge that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed true, and further that willful false statements and the like are punishable by fine or imprisonment, or both under 18 USC §1001 and may jeopardize the validity of the application or any patent issuing thereon.

AUGUST 24, 2005
Date

Michael N Frany
Declarant

18 US 1001 Whoever, in any matter within the jurisdiction or any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or advice a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.